



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,537	09/16/2003	Hong Nguyen	BE1-0033US	3588

49584 7590 11/28/2006

LEE & HAYES, PLLC
421 W. RIVERSIDE AVE.
SUITE 500
SPOKANE, WA 99201

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
----------	--------------

2618

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,537

Applicant(s)

NGUYEN ET AL.

Examiner

Tilahun B. Gesessse

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive for the following reasons.

Noreen teaches a single network which includes broadcaster and receiver and transmitters (See figures 1 , 8-9) further more, Noreen teaches an interactive radio mobile units (122) includes transmitter (120) and broadcast radio receiver 116 and interfacing buttons 125, see figure 2, in which transmits request or command to the network, for selecting broadcast songs.

On page 8, third paragraph of response, applicant disagrees that Noreen teaches a network interface in communication with the processor configured for facilitating communication between the receiver and the first transmitter via a network wherein the query is communicated from the receiver to the first transmitter via the network.

The examiner disagrees to the applicant's argument. Noreen teaches an interactive broadcast system is provided for use with a mobile unit having a broadcast receiver for receiving broadcast transmissions from broadcasters or broadcast operators , wireless transmitters. The system includes a means for receiving a broadcast attribute signal transmitted from the mobile unit. The broadcast attribute signal identifies at least one attribute of a broadcast transmission selected by a user of the mobile unit via internet through the network, see page 2, paragraph 0010.

Further Noreen teaches the broadcasts are radio broadcasts. The broadcast receiver is a radio, such as AM/FM automobile radio or a mobile satellite radio (see

Art Unit: 2618

page 2, paragraph 0011. Noreen teaches an interactive media system comprises a broadcaster broadcasting program segments , a mobile unit for receiving the program segments and for transmitting subscriber command signals (see page 3 paragraph 0015, page 3 paragraph 0018, page 4 paragraph 0020 page 10 paragraphs 0014-0015 and figures 14-15).

Applicant's argument miss characterize the prior art teachings. Noreen teaches a network with broadcasting stations (102 (1-N) and receiver station (108) including the internet network (111) and databases (112 (1-n) is a single network and Noreen teaches broadcast transceiver (interactive radio mobile unit (122 of figure 2) in consists GPS unit for location receiver , broadcast receiver and transmitter in the same device (122 of figure 2) in which broadcast signals received by the broadcast radio receiver and request or command for selected broadcast segments being transmitted to the network.

On page 9,second paragraph of applicant characterize the teachings of Noreen by placing directional bolded arrows to show that Noreen is a one way communication of figure 1.

The examiner disagrees. Applicant's argument miss characterize the prior art teachings. Noreen teaches a network with broadcasting stations (102 (1-N) and receiver station (108) including the internet network (111) and databases (112 (1-n) is a single network and Noreen teaches broadcast transceiver (interactive radio mobile unit (122 of figure 2) in consists GPS unit for location receiver, broadcast receiver and

Art Unit: 2618

transmitter in the same device (122 of figure 2) in which broadcast signals received by the broadcast radio receiver and request or command for selected broadcast segments being transmitted to the network. Noreen teaches the broadcasts are radio broadcasts. The broadcast receiver is a radio, such as AM/FM automobile radio or a mobile satellite radio (see page 2, paragraph 0011. Noreen teaches an interactive media system comprises a broadcaster broadcasting program segments, a mobile unit for receiving the program segments and for transmitting subscriber command signals (see page 3 paragraph 0015, page 3 paragraph 0018, page 4 paragraph 0020 page 10 paragraphs 0014-0015 and figures 14-15).

On page 10, second paragraph of applicant's response, applicant argued that Noreen does not teach two-way communication which is from radio receiver to broadcast stations referring to figures 13-14.

The examiner disagrees. Noreen teaches a two-way communication, see page 2 paragraph 0011). Noreen further teaches broadcaster (300) and the network operator center connected same network, in which interactive radio mobile receives broadcast segments from broadcaster and transmits to the network operator center via communication network (340) (see figures 14-15).

On page 12, first paragraph of response, applicant argued that Noreen fails to teach a query is communicated from the receiver to the first transmitter via the network. Further argued that Noreen figure 1, describes a one-way communication path between

Art Unit: 2618

broadcast 300 and mobile unit 320, with communication consisting of transmission of broadcast signal from broadcast 300 to the mobile unit 320.

The examiner disagrees. Noreen teaches a two-way communication, see page 2 paragraph 0011). Noreen further teaches broadcaster (300) and the network operator center connected same network, in which interactive radio mobile receives broadcast segments from broadcaster and transmits to the network operator center via communication network (340) (see figures 14-15).

On pages 12 through 13 regarding to claim 10, applicant argued that the receiver is configured to establish a two-way communication path with the digital radio broadcast transmitter via a network.

The examiner disagrees. Noreen teaches a two-way communication, see page 2 paragraph 0011). Noreen further teaches broadcaster (300) and the network operator center connected same network, in which interactive radio mobile receives broadcast segments from broadcaster and transmits to the network operator center via communication network (340) (see figures 14-15).

Noreen teaches interactive radio mobile station query by customer response button 328 is depressed see page 11 paragraph 0077).

On page 13, third paragraph of response applicant argued that Noreen does not teach transmitting the query from the receiver to the digital radio broadcast station via a network, and in rezones to the query , receiving a response to the query from the digital radio broadcast station at the receiver.

The examiner disagrees. Noreen teaches requesting information from a digital radio broadcast station via a user (see page 10 paragraph 0074 line 5 through paragraph 0075). Noreen teaches interface portion of a satellite digital audio service receiver (see figure 1 and page 9, paragraph 0065). Noreen teaches formulating a query for the information based on an input signal from the user interface (see page 9, paragraph 0064-0065 and figure 11). Noreen teaches transmitting the query from the receiver to the digital radio broadcast station via a network (see figure 11, in particular item #340). Noreen teaches in response to the query, receiving a response to the query from the digital radio broadcast station at the receiver (see page 11, paragraph 0064-0065 and figure 11).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4,7-13,15-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Noreen et al (US publication No. 2002/0183059A1) "Noreen".

Claims 1 and 10, Noreen teaches a receiver (see fig.2), comprising:

Art Unit: 2618

Noreen teaches an input portion configured to receive a first signal transmitted by a first transmitter (broadcaster 300 transmits input signal to interactive radio mobile unit 320 via broadcast radio receiver 324, see figures 2 and 13-15);

Noreen teaches a processor in communication with the input portion for converting the first signal to an audio signal the processor further comprising a control module for processing an input command (see claims 24 and 26)

Noreen teaches a user interface(customer response button 328) in communication with the processor, wherein the user interface is configured to receive the input command and to convey the input command to the processor (see figs 2 and 13-15, of the interactive radio mobile unit 320).

Noreen teaches a control module executed by the processor for processing the input command and generating a query in accordance with the input command (the processor executes and transmit via transmitter 332, to network command or request or selection of songs, see figs.2 and 13-15 and it's disclosure and page 11 paragraph 0077).

Noreen teaches a network interface (364) in communication with the processor configured for facilitating communication between the receiver and the first transmitter via a network, wherein the query is communicated from the receiver to the first transmitter via the network. (see figs 13-14 and page 5 para 0046)

Claims 2 and 15, Noreen teaches the first transmitter is a digital radio broadcast station (see page 9 paragraph 0065).

Claim 3. Noreen teaches the input portion is configured to receive a second signal from a second transmitter (signal transmitted from network operation center 360 to interactive radio mobile unit, 320 see figures 13-14).

Claims 4 and 13, Noreen teaches the second transmitter is a satellite (see page 8, paragraph 0062 and fig. 10).

Claim 7, Noreen teaches the processor is configured for establishing a two-way communication path between the receiver and the first transmitter (see figs. 13-14 and page 11, paragraph 0077).

Claims 8-9,16. Noreen teaches the processor generates a packet according to the input command and transmits the packet to the first transmitter via the network (see page 10 paragraph 0073).

Claim 11. Noreen teaches a server and a database in communication with the digital radio broadcast transmitter, wherein the database includes information related to a digital radio broadcast. (see figs. 13-15 and page 10 paragraph 0072 through page 11 paragraph 0075)

Claim 12, it recites subject matter which corresponds to claim 1, above. Therefore, it is analyzed and rejected for the same reason as set forth in the claim.

Claims 17-18. Noreen teaches the network comprises a packet switched network (see figs 1 and 10).

Art Unit: 2618

Claim 19, it recites subject matter which corresponds to claim 1, above. Furthermore, Noreen teaches requesting information from a digital radio broadcast station via a user (see page 10 paragraph 0074 line 5 through paragraph 0075).

Noreen teaches interface portion of a satellite digital audio service receiver (see figure 1 and page 9, paragraph 0065).

Noreen teaches formulating a query for the information based on an input signal from the user interface (see page 9, paragraph 0064-0065 and figure 11).

Noreen teaches transmitting the query from the receiver to the digital radio broadcast station via a network (see figure 11, in particular item #340)

Noreen teaches in response to the query, receiving a response to the query from the digital radio broadcast station at the receiver (see page 11, paragraph 0064-0065 and figure 11).

Claim 20, Noreen teaches executing a database look up at the digital radio broadcast station based on the contents of the query and retrieving the requested information from the database (see figs 13-15 and page 10 paragraph 0072 through page 11 paragraph 0075).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2618

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen in view of Marko et al (US 6686880B1) "Marko".

Claims 5-6 and 14. Noreen does not teach the input portion is configured to receive a third signal from a third transmitter and the third transmitter is a repeater .

However, Marko teaches the input portion is configured to receive a third signal from a third transmitter and the third transmitter is a repeater (third signal from a third transmitter and the third transmitter is a repeater, SDARS repeater (17) see fig. 4). Noreen and Marko both teaches SDARS broadcast distributing invention , then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to input to the receiver , a third transmitter as a repeater, in the Noreen system, as evidenced by Marko, in order to boost the broadcast signal to the receiver when broadcasting satellite is away from line of sight and hinder broadcast signal from fading due to tall buildings, hill or any other obstacles (col. 3, line 1-10) .

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Messina et al teaches radio receiver with buy button in order to purchase a desired song or album (see page 3, paragraph 0030).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2618

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 2618

PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

11/20/06


TILAHUN GESESSE
PRIMARY EXAMINER